



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,473	06/30/2000	John P. Hearn	1-21-1	9558

7590 10/06/2003

Docket Administrator Room 3C 512  
Lucent Technologies Inc  
600 Mountain Avenue  
P.O. Box 636  
Murray Hill, NJ 07974-0636

EXAMINER

BAROT, BHARAT

ART UNIT PAPER NUMBER

2154

DATE MAILED: 10/06/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
**09/608,473**Applicant(s)  
**John P. Hearn et al.**Examiner  
**Bharat Barot**Art Unit  
**2154**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Jun 30, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 20, 21, 26, 27, 31, 34-36, and 40-43 is/are rejected.
- 7) ☒ Claim(s) 7-19, 22-25, 28-30, 32, 33, and 37-39 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 05 6) ☐ Other:

Art Unit: 2154

## **DETAILED ACTION**

### **Specification**

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2154

3. Claims 1-6, 20-21, 26-27, 31, 34-36, and 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Mimura et al (U.S. Patent No. 6,557,031). Mimura's patent discloses all the limitations for the claims 1-6, 20-21, 26-27, 31, 34-36, and 40-43 recited in the claimed invention.
4. As to claims 1-2 and 6, Mimura et al teach a method for processing an internet protocol (IP) packet, comprising the step of: identifying that said packet contains motion picture expert group (MPEG)-2 video as a function of only the contents of said IP data payload of said IP packet, wherein said MPFG-2 video is in transport stream format; and processing said IP packet with a priority assigned for packets containing video when said packet is identified in said identifying step to contain video (figures 1-7; column 2 lines 28-54; and column 3 line 65 to column 4 line 65).
5. As to claims 3-5, Mimura et al teach that said IP data payload contains at least one real time protocol (RTP) packet which contains said MPEG-2 video; said IP data payload is a unreliable datagram protocol (UDP) data payload; and said IP data payload is a transmission control protocol (TCP) data payload (figures 1-7; column 1 lines 7-22; column 8 lines 24-45; column 2 lines 28-54; column 10 lines 13-42; and column 12 lines 17-46).

Art Unit: 2154

6. As to claims 20-21, Mimura et al teach a method for processing an internet protocol (IP) packet, comprising the steps of: searching through a payload of said IP packet for a pattern indicative of the presence of motion picture expert group (MPEG)-2 video; indicating that said IP packet contains MPEG-2 video only if said pattern is found; and determining whether a payload of said IP packet has a length equal to an integral multiple of a length of an MPEG-2 transport stream packet either before or after subtracting from said payload length the length of an RTP head (column 9 line 5 to column 12 line 15).

7. As to claim 26, Mimura et al teach said payload is at least one of a set of payloads within an IP packet, said set consisting of: a) an IP data payload, b) an unreliable datagram protocol (UDP) data payload that does not include a real time protocol (RTP) header, c) that portion of a UDP data payload after an RTP header that is included in said UDP data payload, and d) a transmission control protocol (TCP) data payload (figures 4-5; and column 12 lines 17-46).

8. As to claim 27, Mimura et al teach the step of processing said IP packet with a priority assigned for packets containing video when said indicating step indicates that said IP packet contains video (column 9 line 43 to column 10 line 11).

Art Unit: 2154

9. As to claims 31, 34-36, they are also rejected for the same reasons set forth to rejecting claims 20-21 above.

10. As to claims 40-41, they are also rejected for the same reasons set forth to rejecting claims 20-21 above, since claims 34-51 are merely a program product for the method of operation defined in the method claims 20-21.

11. As to claims 42-43, they are also rejected for the same reasons set forth to rejecting claims 20-21 above, since claims 42-43 are merely an apparatus for the method of operation defined in the method claims 20-21.

#### **Claim Objections**

12. Claims 7-19, 22-25, 28-30, 32-33, and 37-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Additional Reference**

13. The following reference is cited by the examiner as of general interest.

- a. Ovadia et al, U.S. Patent No. 6,400,720.

Art Unit: 2154

**Contact Information**

**14.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose telephone number is **(703) 305-4092**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

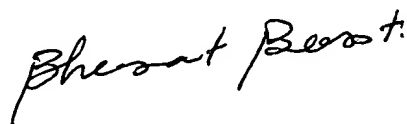
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **An, Meng-Ai**, can be reached at **(703) 305-9678**. The fax phone numbers for examiner's Art Unit OR Group are **After final response (703) 746-7238, Official response (703) 746-7239, and Unofficial/Draft response (703) 746-7240**.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is **(703) 305-3900**.

Patent Examiner Bharat Barot

Art Unit 2154

September 25, 2003



**BHARAT BAROT  
PRIMARY EXAMINER**